IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14890 of 2004

Between:

M/s. Andhra Liquors Manufacturers,

Kiran Industrial Estates, Gaganpahad,
R.R. District, rep by its Chief Executive Jaideep C.D.

..... PETITIONER

AND

1 Government of Andhra Pradesh, rep by its Secretary, Revenue (Ex.III) Dept., Secretariat, Hyderabad.
2 M/s. Johan Distilleries Ltd., Mysore Road, Bangalore, rep. By Manager.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction, declaring the impugned order of the 1st respondent made in Govt. Memo.No. 8636/Ex.III(I)/2004-2, dt. 6-5-2004 as illegal, arbitrary and against natural justice and consequently set aside the same and direct the Respondent No. 1 to afford personal hearing and decide the Revision petition afresh on merits after hearing both the parties.

Counsel for the Petitioner: MR.P.BALAMUKUNDA RAO

Counsel for the Respondent No.1: GP FOR PROHIBITION & EXCISE

Counsel for the Respondent No.2: None appeared.

The Court made the following :

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise appearing for the 1st respondent.

The petitioner herein applied for approval/registration of Trade Label-"Original Class Selection whisky" for the year 2003-2004, which was opposed by the 2nd respondent. The Commissioner of Prohibition and Excise, A.P, Hyderabad, by proceedings dated 24-09-2003, rejected the request of the petitioner. Aggrieved by the same the petitioner filed a Revision Petition before the 1st respondent under Section 64 of A.P.Excise Act, 1968. The said Appeal has been rejected by the 1st respondent in Govt.Memo.No.8636/Ex.III (1)/2004-2, dated 06-05-2004, which is under challenge in this writ petition.

The only grievance of the petitioner is that the impugned order was passed without any notice to the petitioner and that the same being in violation of the principles of natural justice cannot be sustained.

The fact that there was no notice to the petitioner before rejecting his Revision is not disputed by the learned Government Pleader.

In the circumstances, I deem it appropriate to set aside the order dated 06-05-2004, and to dispose of the writ petition with a direction to the 1st respondent to consider the Revision Petition of the petitioner, and to pass appropriate orders afresh after

affording due opportunity to the petitioner and all the parties concerned including the 2nd respondent herein.

The writ petition is accordingly disposed of. No costs.

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23-08-2004

vs

To

1 The Secretary, Government of Andhra Pradesh, Revenue (Ex.III) Dept., Secretariat, Hyderabad.
2 The Manager, M/s. Johan Distilleries Ltd., Mysore Road, Bangalore.

3 Two CCs to the G.P for Prohibition & Excise, High Court Buildings, Hyderabad, (O.U.T).

4 Two CD copies.

THE HON'BLE MS JUSTICE G.ROHINI

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Dated: 23-08-2004